

IN THE SUPREME COURT OF FLORIDA

INQUIRY CONCERNING A
JUDGE: CYNTHIA A. HOLLOWAY
NO.: 00-143
_____ /

Florida Supreme Court
Case No.: SC00-2226

MOTION TO STAY

COMES NOW, Respondent, CYNTHIA A. HOLLOWAY, by and through her undersigned counsel and files this Motion to Stay the depositions scheduled in this cause on February 26, 27 and 28, 2001 and as grounds therefore would show:

1. Respondent has previously made demand for discovery materials from Special Counsel to the Judicial Qualifications Commission (hereinafter JQC) under Rule 12(b) of the Florida Judicial Qualifications Commissions Rules.

2. Special Counsel to the JQC has refused to comply with the Judge's Rule 12(b) demands.

3. As a result thereof, Respondent has filed a Motion to Compel with the Hearing Panel which has been denied.

4. Because Respondent believes the Hearing Panel's ruling is erroneous and contrary to the law, a Motion to Compel production of the discovery documents has been contemporaneously filed with this Court.

5. Without the requested documents to which Respondent is entitled, counsel for Respondent cannot properly prepare for the

witness depositions scheduled on February 26, 27 and 28, 2001.

WHEREFORE, and by reason of the foregoing, Respondent respectfully requests this Honorable Court enter an order staying the taking of depositions until such time as it rules on the Motion to Compel filed contemporaneously herewith.

Respectfully submitted,

SCOTT K. TOZIAN, ESQUIRE
SMITH & TOZIAN, P.A.
109 North Brush Street, Suite 150
Tampa, Florida 33602
(813) 273-0063
FL Bar# 253510
Attorneys for the Honorable
Cynthia A. Holloway

MICHAEL S. RYWANT, ESQUIRE
RYWANT, ALVAREZ, JONES, RUSSO &
GUYTON, P.A.
109 N. Brush Street, Suite 500
P. O. Box 3283
Tampa, Florida 33601
(813) 229-7007
FL Bar #240354
Attorneys for the Honorable
Cynthia A. Holloway

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of February, 2001, the original of the foregoing Motion to Stay has been furnished by UPS overnight delivery to: The Honorable Thomas D. Hall, Clerk, Supreme Court of Florida, 500 South Duval Street, Tallahassee, Florida 32399-1927 with true and correct copies by U.S. Mail and facsimile transmission to: Beatrice A. Butchko, Esquire, Kaye, Rose & Maltzman, LLP, One Biscayne Tower, Suite 2300, 2 South Biscayne Boulevard,

Miami, Florida 33131; and by U.S. Mail to John Beranek, Esquire, General Counsel, Ausley & McMullen, Washington Square Building, 227 Calhoun Street, P. O. Box 391, Tallahassee, Florida 32302 and Honorable James R. Jorgenson, Chair, Hearing Panel, Third District Court of Appeals, 2001 S.W. 117th Avenue, Miami, Florida 33175-1716.

SCOTT K. TOZIAN, ESQUIRE